

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of C. Aita, et al.

Examiner: J. McNeil

For: **SELF-REPAIRING CERAMIC COATINGS**

Group Art Unit: 1775

Serial No.: 09/375,169

TRANSMITTAL

Filed: August 16, 1999

Docket No.: 26767-1000

Express Mail Label No.: EK 742 361 874 US

Mailed on January 10, 2001

Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231



RECEIVED

JAN 16 2001

OFFICE OF PETITIONS

Transmitted herewith for filing in the above-identified patent application are:

1. ☒ Response to Office Action and Petition to Revive Unavoidably Abandoned Application under 37 CFR §1.137(a) (3 pages), and a copy of the returned envelope as stated in the petition (1 page);
- ☒ Other; Specify: pages from return receipt postcards (1);
2. ☒ Other fees due: Petition to Revive Unavoidably Abandoned Application, pursuant to Rule 1.17(l) - small entity.....\$55.00
Total Fees Due.....\$55.00
3. Payment of Fees
☒ Check in the amount of \$55.00 is enclosed.
☒ Charge Deposit Account No. 08-1641 in the amount of \$____. A duplicate of this transmittal is attached.
☒ The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 08-1641, referencing Docket No. 26767-1000.
A duplicate of this request is attached.
4. Response as originally deposited under 37 CFR 1.8 on December 26, 2000:
☒ Transmittal in duplicate (2 pages total)
☒ Amendment (11 pages);
☒ Webster's Ninth New Collegiate Dictionary (3 pages);
☒ Power of Attorney by Inventors and Revocation of Prior Powers (3 sets)(9 pages total);
☒ Check in the amount of \$499.00(1);
☒ Other Specify: pages from return receipt postcards (1).

Filing Fee Calculations

	Number Filed	Number Extra	Rate	Basic Fee
				\$355.00
Total Claims	33	33 - 30 = 3	\$18.00	\$54.00
Independent Claims	6	6 - 6 = 0	\$80.00	\$-0-
Multiple dependent claims if any				\$-0-

* If less than zero, enter "0".

Extension of Time of three (3) months, under fee code 217, 37 CFR 1.17(a)(3).....445.00

Total Filing Fee.....\$499.00

5. Assignee: _____
6. ☒ Correspondence Customer Number: 25213.

By:

Soodabeh Tronson
Registration No. 41,354

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Direct Dial: (650) 324-7068
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BOX FEE AMENDMENT

The Assistant Commissioner for Patents

Washington, D.C. 20231

1. Transmitted herewith for filing in the above-identified patent application are the papers required:

- ☒ Amendment (11 pages);
☒ Webster's Ninth New Collegiate Dictionary (3 pages);
☒ Power of Attorney by Inventors and Revocation of Prior Powers (3 sets)(9 pages total);
☒ Check (1);
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Total Filing Fee..... \$499.00

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4. Assignee: _____

- 5.
- ☒
- Correspondence Customer Number:
- 25213
- .

By: _____

Soodabeh Tronson
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 Registration No. 41,354

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 Menlo Park, CA 94025-3506
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CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this paper is being deposited in the United States mail as first class mail with postage prepaid, and is addressed to: The Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Box Fee Amendment, Washington D.C. 20231, on December 26, 2000 in Menlo Park, California.

By: _____

Walter T. Tufano
 Walter T. Tufano

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of C. Aita, et al.

Examiner: J. McNeil

For: **SELF-REPAIRING CERAMIC
COATINGS**

Group Art Unit: 1775

Serial No.: 09/375,169

Filed: August 16, 1999

Docket No.: 26767-1000

**RESPONSE TO OFFICE ACTION
AND
PETITION TO REVIVE UNAVOIDABLY
ABANDONED APPLICATION UNDER
37 C.F.R. § 1.137(a)**Express Mail Label No.: EK 742 361 874 USExpress Mail Label Mailed on: January 10, 2001

Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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JAN 16 2001

OFFICE OF PETITIONS

Dear Sir:

In response to the Office Action mailed on July 6, 2000, having a statutory response deadline date of January 6, 2001 with a three (3) month extension of time, transmitted herewith is a copy of the response and accompanying papers as originally deposited with the United States Postal Service under 37 CFR 1.8 on December 26, 2000.

To the extent that the above reference application is considered to have been abandoned on January 6, 2001, for failure to respond to the above mentioned Office Action within the specified time period, Applicants wish to petition the Commissioner to Revive the Unavoidably Abandoned

Application under 37 C.F.R. § 1.137(a) for the purpose of continuing prosecution and having the enclosed response to the Office Action accepted. Applicants' attorney hereby offers the following statement of facts in support of this petition:

The above referenced response, along with a request for a three months extension of time, were timely filed on December 26, 2000 under 37 CFR 1.8.

The entire envelope containing the documents was improperly returned by the U.S. Postal Service to our office on January 8, 2001. The envelope bore the indicia "Return to Sender: Insufficient Address." Copy of the envelope, as returned, is enclosed.

Of course, the address used by the Applicants on the label of the envelope was in fact correct: "Assistant Commissioner for Patents, Washington D.C. 20231."

As a result of the U.S. Postal Service error, the response was not considered filed by the PTO on December 26, 2000, thus the application is now considered abandoned.

A check in the amount of \$55.00 in payment of the above petition to revive unavoidably abandoned application (based on small entity) is also included herewith.

However, based on the facts stated above, Applicants believe that no fee is due, since the mistake causing the late response and the subsequent

"abandonment" were not the fault of Applicants, and request that the check in payment of the Petition to Revive be returned to the Applicant.

However, the Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to Deposit Account 08-1641, referencing Docket No. 26767-1000.

Respectfully submitted,



Soodabeh Tronson
Attorney for Applicants
Registration No. 41,354

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